IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4330 OF 2007

Mrs. Shruti Bhise ... Petitioner

Versus

Shri Tejs Bhise ... Respondent

Mr. Anilkumar Patil, Advocate, for the petitioner.

Mr. Amogh Parlikar, Advocate, for Respondent.

CORAM: J.H.BHATIA,J.

DATE : 31st August, 2007.

P.C.

1. Heard learned Counsel for both the sides. Perused the impugned order.

2. The petitioner is the wife of the respondent. They were married on 16.2.2005, but they could not pull on well and the respondent filed a divorce petition in the year 2006. In that proceeding, the petitioner-wife made an application for interim maintenance under

Section 24 of the Hindu Marriage Act. She called upon the respondent to produce a number of documents pertaining to his salary certificate, income-tax returns, copies of statements of accounts in different Banks and Public Provident Fund. The respondent produced the salary certificate showing his salary of Rs.1 lakh per month. He also produced the income-tax returns. The petitioner did not press the notice issued to the respondent to produce documents as per Exhibit 39. After that, the petitioner file an application, Exhibit 42, on 5.3.2007 seeking witness summons to different Banks, Post Office as well as employer of the respondent to produce certain documents. Initially without hearing the respondent-husband, the learned Family Court Judge had passed an order to issue witness summons as prayed. Thereafter, the respondent moved an application objecting to the issuance of summons. After hearing the parties, the learned Family Court Judge recalled the earlier order observing that the salary certificate which was produced by the respondent-husband was sufficient to decide the application for interim maintenance under Section 24 of the Hindu Marriage Act. That order has been challenged in the present petition by the petitioner-wife.

3. Admittedly, the respondent-husband is in service of IBM Global Services and the petitioner had sought

summons to the employer to produce documents pertaining to salary, bonus, etc. The salary certificate was already produced showing the income of Rs.1 lakh per month. Performance bonus varies from year to year depending on the performance of the employer as well as employee within the company. One year an employee may get huge bonus, in another year he may not get anything. The respondent-husband has produced not only the salary certificate, but also the income-tax returns which would show his complete income. He being an employee getting high salary could not hide anything from the income-tax returns. As both these documents are already on record, the summons to the employer was not necessary. In fact, such summons could damage his position in the company where he is serving. The petitioner had also sought summons to four Banks and post office only to prove the amounts which may be in his accounts and interest earned on them. In view of the fact that salary certificate and income-tax returns pertaining to the income were already on record, it is also not necessary to issue summons to different banks. The learned trial Court observed that the salary certificate showing huge salary of Rs.1 lakh per month was sufficient to decide the application and grant reasonable maintenance to the wife. In such circumstances, I do not find any fault with the impugned order.

4. In the result, the Petition stands dismissed summarily.

5. The observations made in this Order are for deciding this petition only.

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(J.H.BHATIA,J.)